

**State Historic Preservation Review Board Meeting
September 15, 2006, 10:00 A.M.
Michigan Historical Center**

Lynn Evans, President, called the meeting to order at 10:01 a.m.

Board Members Present:

Scott Beld, Janese Chapman, Lynn Evans, Richard Harms, Alison (Kim) Hoagland (via videoconference), Elisabeth Knibbe, Carolyn Loeb, Jennifer Radcliff

Board Members Absent:

-none-

Staff Members Present:

Amy Arnold, Laura Ashlee, Nick Bozen, Robert Christensen, Brian Conway, Brian Grennell, Ted Grevstad-Nordbrock, Martha MacFarlane-Faes, Barbara Mead, Laurie Perkins, Denise Sachau, Diane Tuinstra, Todd Walsh

Members of the Public Present:

Michael Conter – concerning Glen Ann Place, LLC and Joseph Freed & Associates v. Ann Arbor Historic District Commission
Hilary Davis – concerning Packard Proving Grounds Gateway Complex
Susan Friedlaender – concerning Glen Ann Place, LLC and Joseph Freed & Associates v. Ann Arbor Historic District Commission
Chris Frost – concerning Glen Ann Place, LLC and Joseph Freed & Associates v. Ann Arbor Historic District Commission
Deborah Goldstein – concerning Eastern Market Historic District Boundary Increase
Eric Hemenway – concerning St. Ignatius Church & Cemetery
Laith Hermiz – concerning Glen Ann Place, LLC and Joseph Freed & Associates v. Ann Arbor Historic District Commission
Donna Johnson – concerning Glen Ann Place, LLC and Joseph Freed & Associates v. Ann Arbor Historic District Commission
Kevin McDonald – concerning Glen Ann Place, LLC and Joseph Freed & Associates v. Ann Arbor Historic District Commission
Laurie Palazzolo – concerning West Side Dom Polski
Deborah Rhead – concerning Pleasant Ridge East Historic District
Bill Rutter – concerning Pleasant Ridge East Historic District
Janine Saputo – concerning Packard Proving Grounds Gateway Complex
Bob Worcester – concerning Whitney Tavern Stand
Gretchen Worcester – concerning Whitney Tavern Stand

Approval of Agenda:

Harms moved approval of agenda

Radcliff seconded approval

Agenda approved, 8-0

Approval of minutes of February 24, 2006:

Harms moved approval of minutes

Knibbe seconded approval of minutes

Minutes approved, 8-0

Staff Reports:

Brian Conway

- Megan Melinat, Main Street architect, left the SHPO in June and moved to South Carolina. A new Main Street architect will be starting in late October.
- Arnold has successfully launched our Preserve America grant project to develop the foundation for a cultural tourism program along the Lake Michigan coastline corridor from New Buffalo to Ludington. The SHPO received an \$80,000 grant from the Preserve America Program administered by the National Park Service. In addition, the SHPO recently received a \$50,000 grant from the Michigan Council for Arts and Cultural Affairs to serve as match and to develop the arts and cultural components of the project.
 - Three student-interns (Erin Dorbin, Sarah Shotwell, Diana Clark) were hired, and a kick-off meeting was held in Saugatuck in June. A fourth student will soon be hired to handle the arts and culture inventory work.
 - The grant project team divided the corridor into three regions, with each student doing research and inventory work in a region as well as each developing several context statements for the overall corridor. The regions are from New Buffalo to Saugatuck, Saugatuck to Grand Haven and Grand Haven to Ludington. Contexts to be developed include agriculture, lumbering, exploration, maritime, ethnic history, transportation, recreation, art, architecture and landscape architecture.
 - The SHPO will be holding a state agencies stakeholder meeting in October, to get input from agencies such as the MDOT, DNR and DEQ as well as Travel Michigan as well as statewide nonprofits such as the MHPN and the arts organizations. The next step will be holding local survey training workshops in the regions.
- The SHPO has been working with Motor Cities and MDOT to secure funding for a historical marker wayside signage program for the Automobile National Heritage Area. Though not yet under contract, all signs indicate we will be receiving somewhere in the neighborhood of \$300,000 for this project.
- Ten Michigan Lighthouse Assistance Program applications were received for the FY07 grant year. The total dollar amount requested is approximately \$290,000. The SHPO is, as of yet, uncertain whether all requests for funding can be met.
- With the elimination of the Single Business Tax credit, there was concern about what would happen to those commercial projects taking advantage of the state historic preservation tax credits, particularly large projects such as the proposed redevelopment of the Book-Cadillac Hotel in Detroit. Fortunately there was legislation introduced that was

passed into law in record time to accommodate projects for a period after the expiration of the SBT.

- The Michigan Historic Preservation Network (MHPN) is working with Representative Tobacman on amendments to strengthen the Local Historic District Act, following the loss of the Madison-Lenox building in Detroit.
 - Bozen has been working with the Governor's Office on an Executive Order to recognize historic preservation as a public purpose, or establish the SHPO as a lead state agency in issues of historic preservation. A draft EO has been submitted to the Governor's Office for consideration. This draft includes the appointment of the RB by the Governor rather than SHPO.
- The budget both for the Historical Center and the SHPO is grim again this year, despite a valiant effort by the MHPN, including testimony by several board members, at legislative budget hearings to secure state funding for the SHPO. Staff salaries in the 2007 SHPO budget have been accommodated by dipping deeper into fees such as the allowed 10% of revenues collected through the sale of license plates and the state tax credit application fees and using an administrative percentage of grants received, such as the Preserve America and MDOT grants previously mentioned, to offset several staff salaries. SHPO staff will be doing very little travel this year unless constituents or applicants pay for travel.

Barbara Mead

- Summer field school projects: Western Michigan University continued its work at Fort St. Joseph in Niles. The University of Michigan field school investigated a Late Woodland fishing camp on Douglas Lake in Cheboygan County; this site sounds like it's eligible for the National Register. The Thunder Bay National Marine Sanctuary project documented on-land and submerged portions of the wreck of the JOSEPH H. FAY. This fall, Wayne State University is reviving its program in urban archaeology with work at an 1835 row house in Corktown, Detroit.
- Michigan Archaeology Month is in October. [A program was handed out.] Michigan Archaeology Day will be held on October 7 at the Michigan Historical Museum. Archaeologists will be on hand to chat with the public and present talks and displays about their current work.
- The Office of the State Archaeologist is currently engaged in talks with the Department of Natural Resources about improving the treatment of cultural resources within its forest management program.
- A Phase III data recovery plan for site 20IS244 in Iosco County has been approved. The site is a Juntunen phase camp with five possible cache pits, circa AD 1200-1400.

National Register Nominations

Site: St. Ignatius Church and Cemetery, Readmond Township (Middle Village), Emmet County

Presented by: Robert O. Christensen

Moved for Approval: Loeb

Seconded: Chapman
Vote: 8-0
Criteria: A, C; exc. a, d
Level of Significance: Local

Hoagland asked if the crosses marking the graves carried the names of those buried there. Christensen replied that the identities of those buried in some graves are known, but that the crosses do not list the names. Mead stated that the Office of the State Archaeologist has had substantial discussions with the Odawa elders on this subject.

Site: Nahma & Northern Railway Locomotive #5, Nahma Township (Nahma), Delta County
Presented by: Robbert McKay
Moved for Approval: Harms
Seconded: Beld
Vote: 8-0
Criteria: A, C
Level of Significance: Local

Site: Whitney Tavern Stand, Cascade Township (Whitneyville), Kent County
Presented By: Robert O. Christensen
Moved for Approval: Harms
Seconded: Loeb
Vote: 8-0
Criteria: A, C
Level of Significance: Local

Hoagland asked about the term “stand” in the name of the property. Chapman stated her understanding was that the term referred to the activity of standing at the bar to order drink or food. Christensen added the name “Whitney Tavern Stand” was found in a historical account dating to 1870.

Site: West Side Dom Polski, Detroit, Wayne County
Presented By: Robert O. Christensen
Moved for Approval: Knibbe
Seconded: Loeb
Vote: 8-0
Criteria: A, C
Level of Significance: Local

Hoagland, referring to the chairs present in the photographs, asked whether there was fixed seating within the facility. Christensen replied that there was not any sort of fixed seating. Palazzolo stated that the auditorium portion of the facility previously had wood tables and chairs, but that the tables and chairs were stolen. Palazzolo added that a local church is currently renting the facility. Knibbe suggested that a survey of the ethnic halls of Detroit should be undertaken. Palazzolo stated that the next undertaking of her organization would be to document the history of the East Side Dom Polski.

Site: Eastern Market Historic District Boundary Increase, Detroit, Wayne County
Presented By: Deborah Goldstein
Moved for Approval: Radcliff
Seconded: Knibbe
Vote: 7-0, Chapman abstaining
Criteria: A, C
Level of Significance: Local

Radcliff asked if there had been much use of the federal historic preservation tax credits in the previously designated district. Goldstein stated that as of yet, the business owners have not embraced the credits. Goldstein further added that even though tax credits have not been fully utilized, there is a lot of activity going on in Eastern Market. The recently formed Eastern Market Corporation has \$14 million at their disposal. Chapman stated that there has been a good response, and increased awareness, from the recently published Eastern Market brochure. Radcliff commented that the cost of work necessary to make historic preservation tax credits feasible could sometimes prevent smaller projects. Goldstein stated that the Eastern Market ownership has requested local historic district designation from the city of Detroit. Harms stated that the reference to “assembly line” is incorrect in connection with meat processing and should be changed to “continuous flow processing.”

Site: Pleasant Ridge East Historic District, Pleasant Ridge, Oakland County
Presented By: William Rutter
Moved for Approval: Radcliff
Seconded: Chapman
Vote: 8-0
Criteria: A, C
Level of Significance: Local

Site: Packard Proving Grounds Gateway Complex, Shelby Township, Macomb County
Presented By: Janine Saputo
Moved for Approval: Chapman
Seconded: Loeb
Vote: 8-0
Criteria: A, C
Level of Significance: National

Knibbe asked if the site had any technologically advanced features. Saputo stated that the architect developed the Tudor Industrial style – a factory housed in a Tudor façade. Faes commented that Packard was also producing aircraft engines, and that Lindbergh was a test pilot for some of their products.

Site: George B. and Amanda Bradish Horton Farmstead, Fairfield Township, Lenawee County
Presented By: Laurie Perkins
Moved for Approval: Knibbe
Seconded: Chapman

Vote: 8-0

Criteria: B, C

Level of Significance: Local

Harms questioned the proposed designation at the state level, stating that he did not think the nomination made a case for more than a local level. He asked about the farm's agricultural operations in the 1920s. Perkins stated that Horton's son, Norman, did not have the agricultural expertise of his father, but continued to maintain the dairy and cheese operations. Harms stated that there were many mergers of cheese producing operations during the 1920s, so that the Horton farm's level of production might not have been large in the context of the industry by then. He felt that establishing a state level of significance would require more research. Perkins stated that the bulk of cheese made in Michigan was made in the southeast corner of the state. Harms suggested that a cheese-making context be developed, and that the Grange activities of George Horton be better established. Knibbe agreed with Harms, and further questioned what Horton's contributions to the area beyond Lenawee County may have been.

Appeals:

Harms moved to modify agenda to move up appeals because some board members needed to leave. Knibbe seconded motion. Approved 8-0

Glen Ann Place, LLC, and Joseph Freed & Associates v. Ann Arbor Historic District Commission

Conway summarized this case and presented the Proposal for Decision (proposal) and exceptions from the city attorney's office to the Review Board. Conway stated that the State Historic Preservation Office received a sixteen-page exception from the applicant's attorney on Thursday, September 14, 2006. Conway asked if the review board members received the documents. All indicated they had received the document, except Chapmen, who stated that she did not. She was given a copy by Knibbe.

Knibbe made a point of disclosing that she is employed at Quinn Evans Architects, which is also the place of employment of the Chair of the Ann Arbor Historic District Commission (HDC). Knibbe further stated that they have not specifically discussed this case. Evans made note of Knibbe's comment.

Harms stated that he found the proposal to be poorly written, stressing that it contained no reference to previous case law or prior board precedents. Harms further stated that, regardless of the review board's decision, the proposal should be rewritten. Knibbe asked whether the proposal should cite legal precedent. Bozen replied that jurisdiction and the proposal belong to the review board, that the review board can accept, augment or revise the proposal, and that the final document needs to reflect the expertise and decision of the review board. Harms stated that the argument of benefit to the community seems to revolve around a tax base issue, but that no substantiating evidence was presented that a 1.2 mill tax base increase would be significant for Ann Arbor. Harms further stated the case of St. Mary's in Grand Rapids contradicts the argument that the Ann Arbor Historic District Commission does not have a right to review new construction within a historic district. Harms also stated that the argument that the buildings are

hazardous has not been documented. Hoagland noted that item 11 on page 10 of the proposal says that all approvals are in place, but that this is not true since the historic district commission has not approved the construction. Knibbe commented that the HDC had not yet received the proposal for the new construction. Without invitation, the attorney for the appellant spoke out on behalf of her clients. The attorney for the city of Ann Arbor asked for an opportunity to be heard if the attorneys representing Glen Ann Place presented more material. President Evans stated that the board does not have to take additional testimony, that the board members are aware of the legal arguments, and audience comments are accepted only by invitation.

Loeb asked whether the review board should ask for more information on the condition of the existing buildings. Chapman and Radcliff stated that they did not think such information would be relevant. Knibbe stated that the HDC has the right to review the new building to determine whether it would be a major benefit to the community.

Hoagland made a motion to reject the proposal on the basis that the HDC did not approve of the new construction. Motion failed for lack of a second. Knibbe motioned for the rejection of the proposal because the petitioner failed to submit a design for the proposed project to the HDC that meets the requirements of a project being a public benefit. Harms seconded Knibbe's motion. Motion failed 0-7.

Knibbe requested a brief recess to allow the board to compose an acceptable motion. Evans granted the request.

Following Evans' reconvening the meeting, Knibbe moved rejection of the Proposal for Decision and that the commission be upheld because the applicant failed to get approval for the new construction from the Ann Arbor Historic District Commission, as required by sections 399.205 (6) (b) of the Local Historic Districts Act (PA 169 of 1970, as amended) and under the definitions of "Work" and "Notice to Proceed" in the same act's section 399.201a; that the board further deems the Proposal for Decision, as presented, to be inadequate for factual and legal precedent; that the board directs staff to prepare a new decision that accurately reports the information presented by the parties, adds new facts as needed for an informed decision, and, with respect to its conclusions of law, provides legal analysis, cites board precedent, and indicates the decision of the board on the legal issues as reflected in the board's discussion today; and finally that Dr. Evans is authorized by the board to sign a new decision that meets the requirements of this motion.

Hoagland seconded the motion. Discussion followed.

Knibbe commented that she thought the proposed development would be good for the community, but the building design needs to relate to the district. Hoagland said she was uncomfortable with the review board saying the developer's concept seems to be a community benefit. Radcliff stated that the job of the review board is to support the process. Harms asked Hoagland if she would be able to support the motion in view of the second part requiring the preparation of a new decision, adding that the proposal must be rejected because the applicant failed to get approval from the HDC and because of the definition of "work" in the state law.

Motion carried 8-0.

Knibbe excused herself from the remainder of the meeting due to prior commitments (1:00 p.m.).

Historic District Committee Study Reports:

Arnold presented the reports and staff comments to the board.

Report: Manchester Historic District: Exchange Place, Manchester
The board made no additional comment.

Report: Detroit Towers Historic District, Detroit
Hoagland stated that the report should clarify how much of the stone had been removed, and how much remained. Loeb stated that the reference to the apartments retaining their original appearance should be further developed. Loeb also asked if the windows were original. Chapman replied that she thinks the windows are original. The board made no additional comment.

Report: Rackham Golf Course Historic District, Huntington Woods
The board made no additional comment.

Report: Memorial Hall Historic District, Alpena
The board made no additional comment.

Chapman excused herself from the remainder of the meeting due to prior commitments (1:10 p.m.).

Dates of Next Meetings:

January 19, 2007, May 11, 2007, September 14, 2007

Adjournment:

Loeb moved that the meeting be adjourned.

Beld seconded adjournment.

Vote: 5-0.

The meeting adjourned at 1:40 a.m.

Prepared by T. Walsh